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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/651,041	08/29/2003	Harry R. Stoller	3655-0178P	8523
2292	7590	08/23/2006	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				TRAN, HANH VAN
		ART UNIT		PAPER NUMBER
		3637		

DATE MAILED: 08/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/651,041	STOLLER ET AL
	Examiner Hanh V. Tran	Art Unit 3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 02 June 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-12, 14-25 and 33-36 is/are pending in the application.
- 4a) Of the above claim(s) 19-25 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-12, 14-18 and 33-36 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 02 June 2006 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All
  - b) Some \*
  - c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	6) <input type="checkbox"/> Other: _____.

## DETAILED ACTION

1. This is the Final Office Action from the examiner in charge of this application in response to applicant's amendment dated 6/2/2006.

### *Drawings*

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitation in claim 3 of the storage unit is a rack having sides substantially open must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings were received on 6/2/2006. These drawings are acceptable.
4. In addition to Replacement Sheets containing the corrected drawing figure(s), applicant is required to submit a marked-up copy of each Replacement Sheet including annotations indicating the changes made to the previous version. The marked-up copy must be clearly labeled as "Annotated Sheets" and must be presented in the amendment or remarks section that explains the change(s) to the drawings. See 37 CFR 1.121(d)(1). Failure to timely submit the proposed drawing and marked-up copy will result in the abandonment of the application.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claim 33 is rejected under 35 U.S.C. 102(b) as being anticipated by USP 5,806,948 to Rowan, Sr. et al.

Rowan, Sr. et al discloses a storage unit with a rolling tray arrangement comprising all the elements recited in the claim including, such as shown in Figs 2-3, a storage compartment with sides, an opening in at least one of the sides, a plurality of rollers 42, a tray 28; wherein the tray 28 includes a flat plate-shaped bottom, a front wall, and side walls extending rearwardly from ends of the front wall, the front wall and the side walls extending upwardly from the flat plate-shaped bottom of the tray.

***Claim Rejections - 35 USC § 103***

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:
  1. Determining the scope and contents of the prior art.
  2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
9. Claims 1-8, 10-12, 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over USP 6,563,048 to Holt et al in view of USP 2,610,035 to Wennlund and USP 5,297,645 to Eckersley et al.

Holt discloses a storage unit comprising all the elements recited in the above listed claim including a storage compartment with sides, such as shown in Figs 7-8, an opening in at least one of the sides, a plurality of rollers 691 arranged on a lower portion of the storage unit, a plurality of trays 540, a plurality of roller shelves 530 having hooks for attaching to the opening in the at least one of the sides of the storage compartment; wherein the roller shelf is free standing, the tray is a flat plate, telecommunications and batteries housed in the storage compartment. The differences being that Holt does not disclose the roller shelf being provided with rollers, the plurality of rollers are mounted in a manner so as to project partially through openings formed in the lower portion of the storage unit and a surface of the roller shelf, the roller shelf serves as a door and being

pivots attached to the storage unit below the opening of the compartment, swinging upward to close the opening, the rollers being distributed substantially uniformly over the lower portion of the storage unit and the roller shelf, the roller shelf including two or more bracket assemblies with rollers, the bracket assemblies being usable independently of each other, the opening being provided on two of the sides of the compartment opposite each other, the tray being movable completely outside the storage unit onto the roller shelf. In regard to claim 17, the roller shelf "may be stored" above the batteries in the storage compartment when not supporting the tray, thus holding the batteries securely on the tray.

Wennlund teaches the idea of providing a storage unit with a roller shelf 20,21 having a plurality of rollers 38, the roller shelf serves as a door and being pivotably attached to the storage unit below the opening of the compartment, swinging upward to close the opening, the rollers being distributed substantially uniformly over the lower portion of the storage unit and the roller shelf, the roller shelf including two or more bracket assemblies 37a-d with rollers, the bracket assemblies being usable independently of each other, and the item 16 stored therein being movable completely outside the storage unit onto the roller shelf; wherein the structure facilitates moving the item from a stored position to an extended easy to access position. Eckersley et al teaches that it is well known in the art to provide a horizontal support platform with a plurality of rollers mounted in a manner so as to project partially through openings formed in the horizontal support platform in order to facilitate movement of an article supported thereon between an extended and retracted position. Therefore, it would

have been obvious to modify the structure of Holt et al by providing the roller shelf with a plurality of rollers, the roller shelf serves as a door and being pivotably attached to the storage unit below the opening of the compartment, swinging upward to close the opening, the rollers being distributed substantially uniformly over the lower portion of the storage unit and the roller shelf, the roller shelf including two or more bracket assemblies with rollers, the bracket assemblies being usable independently of each other, and the tray being movable completely outside the storage unit onto the roller shelf in order to facilitate moving the tray from a stored position to an extended easy to access position, as taught by Wennlund, and the plurality of rollers being mounted in a manner so as to project partially through openings formed in the lower portion of the storage unit and a surface of the roller shelf in order to facilitate movement of an article supported thereon between an extended and retracted position, as taught by Eckersley et al, since each teaches alternate conventional compartment unit having roller shelf structure, used for the same intended purpose of housing articles therein, thereby providing structure as claimed. In regard to claim 12 of the opening being provided on two of the sides of the compartment opposite each other, the examiner takes the Office notice that it is well known in the art to provide a storage compartment with openings on two opposite sides in order to allow access to the interior from two different sides.

10. Claims 1, 9, 18, and 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rowan, Sr. et al in view of USP 2,610,035 to Wennlund, 5,297,645 to Eckersley et al, and USP 5,779,064 to Dolling.

Rowan, Sr. et al discloses a storage unit with a rolling tray arrangement comprising all the elements recited in the claim including, such as shown in Figs 2-3, a storage compartment with sides, an opening in at least one of the sides, a shelf 24 including a plate with a front wall and side walls extending rearwardly from ends of the front wall, the front wall and the side walls extending upwardly from the plate of the roller shelf, a plurality of rollers 42, a tray 28; wherein the tray 28 includes a flat plate-shaped bottom, a front wall, and side walls extending rearwardly from ends of the front wall, the front wall and the side walls extending upwardly from the flat plate-shaped bottom of the tray. The differences being that Rowan, Sr. et al does not disclose the shelf 24 provided with a plurality of rollers, the plurality of rollers are mounted in a manner so as to project partially through openings formed in the lower portion of the storage unit and a surface of the shelf 24, the openings and rollers on both the storage unit and the shelf are arranged in rows and columns, each row and column having at least three separate opening and rollers.

Wennlund teaches the idea of providing a storage unit with a roller shelf 20,21 having a plurality of rollers 38, the roller shelf serves as a door and being pivotably attached to the storage unit below the opening of the compartment, swinging upward to close the opening, the rollers being distributed substantially uniformly over the lower portion of the storage unit and the roller shelf, the roller shelf including two or more bracket assemblies 37a-d with rollers, the bracket assemblies being usable independently of each other, and the item 16 stored therein being movable completely outside the storage unit onto the roller shelf; wherein the structure facilitates moving the

item from a stored position to an extended easy to access position. Eckersley et al teaches that it is well known in the art to provide a horizontal support platform with a plurality of rollers mounted in a manner so as to project partially through openings formed in the horizontal support platform in order to facilitate movement of an article supported thereon between an extended and retracted position. Dolling teaches the idea of providing a plurality of easily secured and removed individual roller assemblies, each having openings and rollers arranged in rows and columns, each row and column having at least three separate opening and rollers; wherein the roller assemblies facilitates retrofitting a support surface with roller assemblies in order to allow easy movement of articles placed thereon. Therefore, it would have been obvious to modify the structure of Rowan, Sr. et al by providing the shelf with a plurality of rollers, the rollers being distributed substantially uniformly over the lower portion of the storage unit and the roller shelf, and the tray being movable completely outside the storage unit onto the roller shelf in order to facilitate moving the tray from a stored position to an extended easy to access position, as taught by Wennlund; further, it also would have been obvious to further modify the structure of Rowan, Sr. et al by having the plurality of rollers being mounted in a manner so as to project partially through openings formed in the lower portion of the storage unit and a surface of the roller shelf in order to facilitate movement of an article supported thereon between an extended and retracted position, as taught by Eckersley et al; furthermore, it also would have been obvious to further modify the structure of Rowan, Sr. et al by providing the openings and rollers on both the storage unit and the shelf being arranged in rows and columns, each row and

column having at least three separate opening and rollers thereby facilitates retrofitting a support surface with roller assemblies in order to allow easy movement of articles placed thereon, since each reference teaches alternate conventional compartment unit having roller shelf structure, used for the same intended purpose of housing articles therein, thereby providing structure as claimed.

***Response to Arguments***

11. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Zimmer et al, Belanger et al, Slater, Massacesi, Fullenkamp, and Hansen all show structures similar to various elements of applicant's disclosure.

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh V. Tran whose telephone number is (571) 272-6868. The examiner can normally be reached on Monday-Thursday, and alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HVT *HVT*  
August 18, 2006

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